THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26444 of 2006

Dated:22.12.2006

BETWEEN:

Togata Madhavai and others.

… Petitioner

and

Mandal Revenue Officer and others.

… Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26444 of 2006

ORDER:

The petitioners herein filed the present Writ Petition declaring the action of the respondents in resorting to evict them from Plot Nos.172, 76, 141, 96 and 181 situated in Survey No.193/A2 of Tarigoppula Village of Jupaadu Bunglow Mandal in Kurnool District, without due process of law, as illegal and arbitrary.

It is their case that the Mandal Revenue Officer granted house site pattas in November 2003, that they could not construct pucca houses, but they raised small huts. They allege that due to change in the political set up, steps are being taken to evict them.

After getting instructions, the learned Assistant Government Pleader for Revenue (Assignment) submits that the land was assigned to the petitioners in 2003. However, the layout of the land was changed in 2006. Thereafter, petitioners 2 to 5 were allotted the same house sites, but petitioner No.1, who was earlier allotted Plot No.172, is now allotted Plot No.59. The learned Assistant Government Pleader also submits that the petitioners are not in possession of the land, and there are no steps being taken by the Mandal Revenue Officer for cancellation of assignment.

In view of the submission made by the learned Assistant Government Pleader, this Court is of considered opinion that the Writ Petition can be disposed of observing that unless and until due process of law is followed, the assignment made in favour of the petitioners cannot be cancelled, and if the petitioners are in possession, they cannot

be dispossessed by use of force without due process of law.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

22.12.2006

vs